

***SURFACE TRANSPORTATION BOARD***

Washington, DC 20423  
Office of Economics, Environmental Analysis, and Administration

Mr. Kevin Cannell  
Tribal Historic Preservation Officer  
Nez Perce Tribe  
P.O. Box 365  
Lapwai, Idaho 83540-0365

September 2, 2005

**Re: STB Docket No. AB - 872X, Great Northwest Railroad, Inc. - in  
Clearwater County, ID**

Dear Mr. Cannell:

Thank you for your July 27, 2005 letter. As you know, Great Northwest Railroad, Inc. (GNR) filed a petition for exemption with the Surface Transportation Board (Board) seeking authority to abandon and discontinue service over a railroad line in Clearwater County, Idaho. The Board's approval of the abandonment is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA) and is thus covered under its provisions. The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act (NEPA), including the NHPA. SEA appreciates your interest and participation in the Section 106 process and is writing to update you on the progress of this proceeding.

In 2004, SEA notified the Advisory Council on Historic Preservation (ACHP) that the proposed abandonment might affect historic properties, and in a letter dated October 18, 2004, the ACHP responded that it did not believe that its participation in consultation to resolve any adverse affects was necessary. Accordingly, the ACHP will not be involved in the Section 106 consultation process.

SEA has reviewed the proposed project and the Heritage Resources Assessment (Assessment) that was prepared at the request of the Idaho State Historic Preservation Office (SHPO). We agree with the findings in the Assessment that there are a number of sites and elements, including the rail line itself, that are eligible for listing in the National Register of Historic Places. Accordingly, we have determined that there are historic properties that may be affected by the undertaking [36 CFR 800.4(d)(2)].

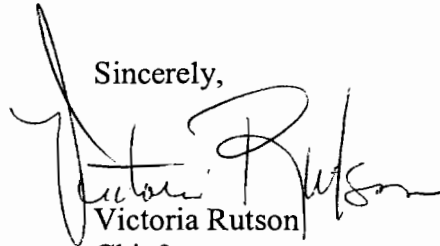
There are three phases under Section 106, and SEA is in the process of beginning the second phase, known as the Assessment Phase. During the Assessment Phase, the agency determines whether the proposed abandonment would have any adverse effect on historic resources. The SHPO is currently reviewing the Assessment, and we are awaiting comments from that office in order to proceed with the Section 106 process. We note that GNR is currently

in negotiations regarding the development of rail banked trail which would effectively postpone the abandonment in the event that a trails-use-agreement is reached.

In your letter, you requested an original site form for 10CW1149 including maps and black and white photographs on archival paper. SEA has discussed this request with GNR, and the railroad should be contacting you in order to arrange for this additional documentation. In addition, we are writing to clarify the area of potential effects (APE) for the proposed project. The line proposed for abandonment extends from Milepost 3.5 at Orofino, to Milepost 31.0 near Jaype, Idaho. Accordingly, the APE encompasses 328 acres and extends for 27.5 miles along the right-of-way, which averages 100 feet in width. In a letter dated August 11, 2004, the SHPO suggested that a portion of the line might be located on the Nez Perce Indian Reservation. However, in an August 11, 2005 phone call with SEA, you stated that the line proposed for abandonment ends at the reservation line.<sup>1</sup> If GNR plans to abandon the first 3.5 miles of the rail line at any time in the future, you noted that it would be necessary to record this site and update site 10CW1149 at that time. We request that you confirm in writing that the APE does not include the Nez Perce Indian Reservation by September 20, 2005.

If you have any questions or require additional information regarding this proceeding, please do not hesitate to call me or Christa Dean at (202) 565-1606.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson", written over a horizontal line.

Victoria Rutson

Chief

Section of Environmental Analysis

cc: Suzan Neitzel, Idaho SHPO  
Karl Morrell, Ball Janik LLP

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<sup>1</sup> As stated in the September 10, 2004 Environmental Assessment, GNR initially planned to seek abandonment authority for the rail line located between Milepost 0.0 and Milepost 3.5, but this portion of the rail line was removed from the scope of the abandonment request.